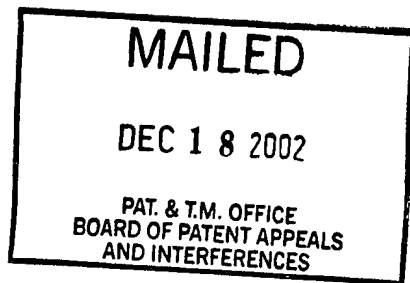


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SALIM G. KARA
and
MARTIN J. PAGEL

Application 08/953,477

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 10, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On July 1, 2002, an ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER was mailed (Paper No. 24) which requested appellants submit a new appendix to the Appeal Brief filed August 16, 2001

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(Paper No. 21) or the examiner issue a Supplemental Examiner's Answer to correct claim 65. In response, the examiner issued a Supplemental Examiner's Answer on August 13, 2002 (Paper No. 26) which "includes a correction, being a clean copy of claim 65, located under paragraph 8, titled Claims Appealed" (page 1). The examiner further states:

A substantially correct copy of appealed claim 65 appears on page 21 of the Appendix to the appellant's [sic] brief. The minor errors are as follows: in line 4 of the claim, brackets are included to designate deleted material. The examiner notes that the claim of record includes the term "receiving means" and not "intermediate station". Therefore, the claim should currently read as follows:

65. The system of claim 57, further comprising:

means for including ancillary information with said transmitted information, said ancillary information being suitable for use by said receiving means in delivery of said transmitted information to said selected location.

(*Id.*, page 4 under the heading (8) Claims appealed.)

It should be noted that appellants filed an amendment to claim 65 on November 20, 2000 (Paper No. 16). This amendment substituted "intermediate station" for "receiving means."

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According to page 2 of the Final Rejection mailed February 12, 2001 (Paper No. 17) under the heading "Response to Amendment," "[a]pplicant's [sic] amendment was received on 11/20/00, and has been entered and made of record." Confusion exists as to which version of claim 65 should be used. Clarification is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for issuance of a Supplemental Examiner's Answer which contains a correct copy of claim 65 and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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